



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

16 MAR 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 70144 1200 0000 6123 9446

Mr. Ronald Durbin
Plant Manager
Advanced Environmental Technology
P.O. Box 147
Middletown, Iowa 52638

RE: Advanced Environmental Technology, Inc.
17575 State Highway 79
Middletown, Iowa 52638
RCRA ID No.: IAR000005876

Dear Mr. Durbin:

Letter of Warning/Request for Information

On July 31, 2014, representatives of the U.S. Environmental Protection Agency inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

My staff has reviewed the inspection report, and your August 4, 2014 email response to the Notice of Violation (NOV) and determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations, a list of questions and/or requested information, and instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



Printed on Recycled Paper

Within thirty (30) calendar days of receiving this letter, please mail your response to: Kevin D. Snowden, AWMD/WEMM, U.S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Mr. Snowden, of my staff, at (913) 551-7022 or by email at snowden.kevin@epa.gov.

Sincerely,



Donald Toensing,
Chief
Waste Enforcement and Materials Management
Branch
Air and Waste Management Division

Enclosures (3)

cc: Mr. Cal Lundberg, Chief, Contaminated Sites Section
Iowa Department of Natural Resources

List of Violations
Advanced Environmental Technology, Inc.
17575 State Highway 79
Middletown, Iowa 52638
RCRA ID No.: IAR000005876

1. Title 40 Code of Federal Regulations (40 CFR) 262.11 – Failure to make a hazardous waste determination on the baghouse dust in the catch bin (hopper) under the baghouse at Air Control Equipment Building 600-84.

Requested Information
Advanced Environmental Technology, Inc.
17575 State Highway 79
Middletown, Iowa 52638
RCRA ID No.: IAR000005876

1. Please identify all persons responding to the questions in this letter. Please include names, titles, and telephone numbers, if different from the facility's telephone number.
2. According to the attached letter (RO 12824) from Marcia Williams, Director of the Office of Solid Waste to Frederick M. Swed, Jr., of RMI, Inc. dated December 22, 1986, the EPA stated that, "... the point of hazardous waste generation is typically the bottom of the baghouse hoppers. . . ." In reference to Violation No. 1, a hazardous waste determination must be conducted on the described waste stream at the point of generation. Therefore, please provide the following information in completing your hazardous waste determination:
 - a. a determination of whether or not the waste has been excluded from regulation under 40 CFR Part 261.4;
 - b. a determination of whether or not the waste has been listed as a hazardous waste in Subpart D of 40 CFR Part 261. **If the waste is a listed hazardous waste, please provide the listed waste code in your response;** and
 - c. a determination of whether or not the waste is identified in 40 CFR Part 261 Subpart C. To determine whether the waste exhibits any of the hazardous characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR Part 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to EPA as well as a detailed description as to how each sample was taken. **If the waste is a characteristic hazardous waste, please provide the characteristic waste code in your response.**
 - d. If your facility elects to apply knowledge to make a waste determination of the waste streams identified above, you must provide a detailed explanation and your reasoning regarding the basis for this determination. **Also, if you apply knowledge to make the waste determination, please include all hazardous waste codes for the waste in your response.**
 - e. If the waste is determined to be a hazardous waste based on your responses to 2.b., 2.c., and/or 2.d., please provide:
 - 1) the amount of this hazardous waste that is present at your facility, and/or
 - 2) any manifest, bill of lading, or other shipping document showing that this hazardous waste has been shipped offsite for disposal.
 - f. In the event that any of the identified hazardous waste is still in storage at your facility, please provide photographs of the wastes and identify your plans for disposing this waste.

3007 RESPONSE INSTRUCTIONS

- Identify the Person(s) responding to this request on your behalf.
- Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- For each numbered item, identify all persons consulted in the preparation of the answer.
- For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."
- The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.
- This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.

9432.1986(15)

TOTALLY ENCLOSED TREATMENT EXEMPTION APPLICABILITY TO A
BAGHOUSE SYSTEM

DEC 22 1986

Mr. Frederick M. Swed, Jr.
RMT, Inc.
Suite 124
1406 East Washington Ave.
Madison, Wisconsin 53703-3009

Dear Mr. Swed:

Thank you for your letter of November 10 requesting guidance on application of the totally enclosed treatment exemption to the treatment prior to disposal of baghouse dust generated in the foundry industry. Your letter addressed a generic case in which an emission control baghouse system and the treatment equipment are directly connected to a cupola furnace through a closed system of ducts. The Agency does not believe that the totally enclosed treatment exemption applies to the system you describe, subject to the conditions described below.

As you stated, totally enclosed treatment is defined in 40 CFR 260.10 as (1) being directly connected to an industrial production process and (2) constructed and operated to prevent the release of hazardous waste and any constituent thereof into the environment during treatment. In addition, the regulatory interpretive letter issued July 27, 1981 to Travenol Laboratories (RIL 84) further clarified what constituted totally enclosed treatment.

In the March 25, 1986 letter for Region 5 to Grede Foundries, EPA found that the specific configuration of the Grede baghouse did not qualify as totally enclosed because the hood collecting emissions was not directly connected to the cupola, only to the baghouse. As part of that determination, EPA stated that a foundry cupola qualifies as an industrial production process, but that the baghouse is an air pollution control device associated with waste treatment prior to disposal.

However, our answer to Grede may have been misleading. Connecting the ductwork to the cupola only fulfills half of the

totally enclosed treatment requirement. The question remains as to whether a system that includes a baghouse qualifies as totally enclosed treatment. Since baghouses do not remove 100% of the hazardous constituents, treatment downstream of a baghouse is not part of a totally enclosed treatment train.

You suggested that the baghouse is part of the production process because the cupola cannot be operated without the baghouse. While your system might require modification in order to operate without the baghouse, I do not believe that the baghouse is inherently necessary to the operation of the cupola furnace. In fact, prior to the development of air quality standards, cupolas typically operated without baghouses. Baghouses limit emissions from units subject to Clean Air Act standards. Therefore, the Agency still maintains that the baghouse is not part of a production process, but is associated with waste treatment.

You asked whether adding the treatment reagents prior to the baghouse would qualify as totally enclosed treatment. Since we agree that the point of hazardous waste generation is typically the bottom of the baghouse hoppers, any processing that occurs prior to that point would not be treatment subject to RCRA requirements.

You are also correct in stating that even if a production unit is open to the atmosphere, the unit downstream could still qualify as totally enclosed. As stated in a preamble to the §261.4(c) amendment, "Except for surface impoundments and non-operating units, EPA did not intend to regulate... manufacturing process units in which hazardous wastes are generated." (45 FR 72025, October 30, 1980) In your case, however, the production unit is the cupola, not the baghouse, so treatment that occurs downstream of the baghouse is not totally enclosed treatment.

In summary although production units may not necessarily prevent releases of constituents to the environment, units downstream may still qualify for the totally enclosed treatment exemption. However, while cupolas are production units, baghouses are not considered to be production processes. Furthermore, baghouses release hazardous waste or constituents thereof to the environment during normal operation as a waste management method. Therefore, dust treatment downstream of a baghouse system directly connected to a cupola does not perform totally enclosed treatment under the Federal program. In addition to this Federal

determination, of course, the States would have to be consulted for State hazardous waste and air quality standards that apply to these systems. I apologize for any inconvenience that arose from your reading of the EPA letter to Grede Foundries.

Sincerely,

Original Document signed

Marcia Williams
Director
Office of Solid Waste

cc: Hazardous Waste Branch Chief, Region V

bcc: Hazardous Waste Branch Chiefs, Regions I-IV, VI-X
RCRA/Superfund Hotline
Irene Horner, WTB

